



State of Idaho
DEPARTMENT OF HEALTH AND WELFARE
Division of Environmental Quality

1410 N. Hilton
Boise, Idaho 83706

CECIL D. ANDRUS
Governor
RICHARD P. DONOVAN
Director

September 26, 1990

CERTIFIED MAIL # P 085 186 384
RETURN RECEIPT REQUESTED

Zilog, Incorporated
2601 11th Avenue
Nampa, Idaho 83651

Dear Sirs:

Enclosed is a Notice of Violation resulting from a Hazardous Waste Management Act (HWMA) inspection at Zilog, Inc. on June 20, 1990. Zilog, Inc. has fifteen (15) days to request a conference to develop a Consent Order which will include payment of the penalty and a plan to remedy damage caused by any violations and assure future compliance.

To arrange for a conference please contact me at (208) 334-5879 or the Division of Environmental Quality, 1410 No. Hilton, Boise, Idaho 83706.

Sincerely,

Brian R. Monson, Manager
Compliance Section
Hazardous Materials Bureau

BRM/ml1

Enclosure

cc: John McCreedy, Attorney General's Office
Mike Silverman, EPA Boise



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NOTICE OF VIOLATION

ISSUED TO: Zilog, Incorporated
2601 11th Avenue
Nampa, ID 83651

DATE: September 26, 1990

On June 20, 1990 the Idaho Department of Health and Welfare (Department) conducted an inspection at the above-named facility, a generator of hazardous waste. Pursuant to the Hazardous Waste Management Act (HWMA) of 1983, Idaho Code §§ 39-4406 and 39-4413, the Department has determined that the following violations have apparently occurred at the Zilog facility in Nampa, Idaho.

VIOLATIONS

Violation No. 1

Legal Provision Violated: IDAPA § 16.01.5006 Idaho Rules, Regulations and Standards for Hazardous Waste (40 CFR § 262.34(a)).

A generator may accumulate hazardous waste on site for ninety (90) days or less without a permit or without having interim status provided that the generator complies with the following:

- a. 40 CFR § 262.34(a)(1) and 40 CFR § 265.173(a). The generator places his waste in containers and complies with Subpart I of 40 CFR Part 265. This requires that containers holding hazardous waste be closed during storage, except when it is necessary to add or remove waste.

At the time of inspection, three (3) five gallon jugs containing D001 waste photoresist were stored in the hall outside the Modular II "yellow room." One container was open.

- b. 40 CFR § 262.34(a)(2). The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

At the time of inspection, the three (3) five gallon jugs containing D001 waste photoresist which were stored outside the Modular II "yellow room" were not marked with date upon which accumulation began.

40 CFR § 262 (a)(3). While being accumulated on-site, each container is labeled or marked clearly with the words "Hazardous Waste."

At the time of inspection, the three (3) five gallon jugs containing D001 waste photoresist which were stored outside the Modular II "yellow room" were not labeled or clearly marked with the words "Hazardous Waste."

Penalty Assessed: \$200

Violation No. 2

Legal Provision Violated: IDAPA § 16.01.5006 Idaho Rules, Regulations and Standards for Hazardous Waste (40 CFR § 262.34(a)(4)).

A generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or interim status provided that the generator complies with the requirements for owners or operators in Subparts C and D of 40 CFR Part 265 and 40 CFR § 265.16

- a. 40 CFR § 265.16(a). Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures compliance with the hazardous waste management rules and regulations.

At the time of inspection, Process Support Technicians and various production personnel were responsible for managing or transporting hazardous waste. These personnel had not been specifically trained in hazardous waste management.

- b. 40 CFR § 265.16(d)(1). The owner or operator must maintain the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.

At the time of inspection, Zilog was not maintaining the job title and name of the Process Support Technicians and various production personnel who had hazardous waste management duties.

- c. 40 CFR § 265.16(d)(2). The owner or operator must maintain a written job description for personnel involved in hazardous waste management. The job description must include requisite skill, education, or other qualifications and the duties for facility personnel assigned hazardous waste management duties.

At the time of inspection, Zilog was not maintaining written job descriptions for Randy Friedly, the Process Support Technicians, or the various production personnel describing their duties relative to hazardous waste management.

- d. 40 CFR § 265.16(d)(4). The facility must maintain records documenting that the required training or job experience has been given to and completed by personnel with hazardous waste management duties.

At the time of inspection, Zilog was not maintaining records documenting that the required training or job experience had been given to and completed by the Process Support Technicians and various production personnel with hazardous waste management duties.

- e. 40 CFR § 265.35. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, and spill control equipment to any area of the facility.

At the time of the inspection, adequate aisle space was not being maintained between containers of compatible hazardous waste in the solvent storage rooms.

- f. 40 CFR § 265.52(a). The facility must maintain a Contingency Plan that describes the actions facility personnel will take to comply with 40 CFR § 265.56 in response to fires, explosions and unplanned sudden or non-sudden releases of hazardous waste. 40 CFR § 265.56(a)(2)(b) requires that the emergency coordinator immediately identify the character, exact source, amount and real extent of the released materials.

At the time of inspection, the Contingency Plan did not contain procedures for the emergency coordinator to follow to immediately identify the character, source, amount and extent of released materials.

- g. 40 CFR § 265.56(a)(2)(c) requires that the emergency coordinator assess possible health hazards to human health or the environment from a release, fire, or explosion. The assessment must consider the direct and indirect effects of the release, fire or explosion.

At the time of inspection, the Contingency Plan did not contain procedures for the emergency coordinator to follow in assessing direct and indirect health and environmental hazards.

- h. 40 CFR § 265.52(e). The facility must maintain a Contingency Plan that includes a list of all emergency equipment at the facility. The list must include the location, physical description and capabilities of the equipment.

At the time of the inspection, the Contingency Plan did not include the location of the emergency equipment.

- i. 40 CFR § 265.52(f). The facility must maintain a Contingency Plan that includes an Evacuation Plan for facility personnel where there is a possibility that evacuation could be necessary. The Plan must describe alternate evacuation routes in cases where the primary routes could be blocked by a release of hazardous waste.

At the time of inspection, the Contingency Plan was required to but did not describe alternate evacuation routes for the facility.

- j. 40 CFR § 265.54(d). The Contingency Plan must be reviewed and immediately amended if the list of emergency coordinators changes.

At the time of inspection, the Contingency Plan had not been amended to reflect changes in the emergency and alternate emergency coordinators.

Penalty Assessed: \$3,199

Violation No. 4.

Legal Provision Violated: IDAPA § 16.01.5006 Idaho Rules, Regulations and Standards for Hazardous Waste (40 CFR § 262.34(c)(1)(ii)).

The generator may accumulate as much as 55 gallons of hazardous waste in containers at or near the place where the wastes initially accumulate provided that the containers are marked with words identifying the contents or the words "Hazardous Waste."

At the time of inspection, D001 hazardous waste was accumulating in plastic jugs under the photoresist machines

in the "yellow room" of Modular II. The containers were not marked with words identifying their contents or the words "Hazardous Waste."

Penalty Assessed: \$200

Violation No. 5.

Legal Provision Violated: IDAPA § 16.01.5009 Idaho Rules, Regulations and Standards for Hazardous Waste (40 CFR § 265.191(a) (265.194(b)(2))).

The owner or operator must obtain and keep at the facility a written assessment reviewed and certified by an independent, qualified, registered professional engineer attesting to the tank system's integrity.

At the time of inspection, Zilog was unable to produce documentation by a certified, independent, qualified, registered professional engineer attesting to the tank's integrity.

The owner or operator must use appropriate controls and practices to prevent spills and overflows from tanks. At a minimum these include overfilling prevention controls such as level sensing devices, high level alarms, or automatic feed cutoff.

At the time of inspection, the continuous feed waste acetone tank was not equipped with overfilling prevention controls such as level sensing devices, level alarms, or automatic feed cutoff devices.

Penalty Assessed: \$3,200

Total Penalty Assessed: \$6,799

TIMETABLE


Zilog, Incorporated may request a compliance conference with the Department to explain the alleged violations and discuss entry into a Consent Order which will include payment of assessed penalties, and a plan to remedy damage caused by any violation and assure future compliance. To arrange a compliance conference, Zilog Incorporated must contact the Department within fifteen (15) days after receipt of this Notice of Violation. Failure to request a conference within fifteen (15) days after receipt of this Notice of Violation, or reach agreement on a Consent Order within sixty


(60) days may result in a civil enforcement action in district court for penalties, injunctive relief, and costs including attorney fees.

Inquiries or correspondence concerning this Notice of Violation shall be directed to:

Brian R. Monson, Manager
Compliance Section
Hazardous Materials Bureau
Idaho Department of Health and Welfare
1410 No. Hilton - 2nd Floor
Boise, Idaho 83706

DATED THIS 26 day of September 1990.



RICHARD P. DONOVAN, DIRECTOR 
Idaho Department of Health and Welfare